



CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending December 06, 1997

Techno-Science, Inc.—GAO No. B-277260

On November 21, 1997, Techno-Sciences filed a protest to the Contracting Office which challenged the use of the Fourth Generation United States Mission Control Center Requirements Analysis as the base line for the market survey. The protest requests a suspension of performance of the RPS Contract pending resolution of the protest. Mark Langstein and Amy Freeman met with the CO, COTR, CO Specialist and other program personnel to discuss the merits of the protest. The CO is drafting a response. We anticipate future litigation at the GAO or District Court.

Unites States of America v. Cedar Tower, Inc.

A referral has been made to the U.S. Attorney's Office in Dallas, Texas, in an effort to obtain NWS equipment which has been unlawfully detained by a lessor in a NOAA real property lease dispute. Lisa J. Obayashi has the case.

R. R. Donnelley v. U.S., COFC No. 96-784C

Trial is scheduled for next week in this \$365,000 suit to recover bid preparation costs resulting from Government cancellation of an IFB for printing patents due to reduced requirements. Mark Langstein is meeting with counsel from the Justice Dept. and the Government Printing Office to prepare witnesses and explore whether a possibility of settlement exists.

Xerox Year 2000

Xerox has responded with a disappointing proposal to share analysis and repair costs of possible Year 2000 problems for a cable reproduction and distribution system which is leased, on an LTOP basis, to ITA. We have suggested that we afford Xerox an opportunity to analyze and resolve the problems free of charge before we issue a Final Decision which will hold Xerox responsible for any Year 2000 problems and reimbursing the Government for any costs incurred in remedying the situation. Mark Langstein and Amy Freeman.

Technical Systems Associates, Inc. v. Dept. of Commerce, GSBGA No. 13277-COM

Our Answers to Appellant's First Set of Interrogatories and Request for Production of Documents were submitted on December 3, 1997. Appellant filed a second set of interrogatories and

request for production on December 3, seeking photographs taken during respondent's site visits to appellant's facilities. The response is due on January 3, 1997. Terry Lee has the case.

Gelco Travel Software Issues

A telephone conference was held on December 2, 1997, with Gelco officials, in an attempt to resolve the impediments to the Department's purchase of updated Gelco software from the GSA Schedule. Gelco has refused to honor the Department's purchase request because it contends that by virtue of an earlier credit card payment for updated software, the Department's license was converted from a user-based function to a voucher-based function. The Department's position is that the software license (originally purchased from Gelco's predecessor, Federal Systems) was not modified by the credit card payment and that Gelco must honor the Department's purchase from the GSA Schedule or risk being removed from the schedule. Notwithstanding this position, the Department, once again, proposed to entertain the idea of a purchase of a new software license based upon market prices. The matter was left unresolved. Terry Lee will discuss the next steps with the contracting officials.

Actions Completed/Received during Period

	From 11/23/97	To 12/6/97
	Received	Completed
NOAA	7	6
O/S	0	1
PTO	2	2
Total	9	9

Contract Law Division—Client Workload Period Ending 12/06/97

